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THE MOVEMENT FOR COUNTY REORGANIZATION IN NEW JERSEY

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During the year 1912 there was an awakened interest in the problems of county government throughout the State of New Jersey, and a number of the twenty-one counties voted to change the form of county government by substituting a small county board of chosen freeholders for the old system of large and unwieldy boards; the former being elected at large in the county, whereas the old boards were elected by districts. The advocates of the new form of government asserted that it would fix responsibility more definitely, and its adoption was opposed by the machine politicians. While the new boards have been in office only a few months and in some counties have been handicapped by the fact that the old boards have questioned the legality of their successors in office, the results have not been as satisfactory as the proposers of the new plan had expected. It is already apparent that the habits of extravagance of the former boards have been handed down and adopted by some of the new small boards of freeholders. Possibly one reason the new plan has not worked out better is the same factor which has frequently served to defeat increased efficiency in city administrations when commission government has been adopted, namely, that the citizens of the community have thought that, by the simple adoption of a certain form of government, they would, by that fact alone, secure efficient and economical administration. Better government is obtained only by the election of honest and competent officials, guided and aided by a constant watchfulness on the part of citizens.

The question of the legality of the new small boards has been carried into court and on the 11th of March the supreme court of the state decided that the adoption of the smaller board act, which was submitted to a referendum election in each county where it has been adopted, was illegal, in that the voters passed on an act of 1902 which had been so amended in 1908 as no longer to be applicable to the counties which voted thereon. There could therefore be no con-

currence on the part of the voter with the act of the legislature. The new small boards were accordingly put out of office except in two counties, Hudson and Essex. At this writing a new bill is being drawn up for passage by the present legislature for the purpose of remedying this situation which nullifies the clearly expressed wishes of a majority of the voters in the several counties in favor of small boards of freeholders. An effort will be made to incorporate some new features in this act.

In only two counties of the state is an earnest and efficient effort being made by citizens to cope with the problems of county government and to meet the opportunity afforded by the changes in the form of administration of county affairs. Essex county, the wealthiest county in the state, which includes Newark, Montclair, and the Oranges, is entirely devoid of cooperative action on the part of its citizens to better the conditions of county government—or for that matter, municipal government either. Hudson county has an earnest and progressive body of men who have an incorporated organization known as the Citizens' Federation of Hudson County, and Bergen county has a vigorous organization known as the Federation of Civic Clubs. Outside of these two counties there is a regrettable lack of cooperative action on the part of voters to improve or to constructively study the form and methods of county government.

At the present time New Jersey offers a most unique opportunity for a constructive treatment of the problems of city and county government. Last fall the democratic party pledged itself to the calling of a constitutional convention. That party is now in control of both houses of the legislature and if it fulfills its party pledge by calling a convention, it will be possible to effect many changes in the constitution in the state which will be of incalculable aid in simplifying the public business. The calling of such a convention would afford a signal opportunity for an original and business-like treatment of the whole problem of county government. It would then be possible to allow each county to determine its own form of government and those counties having more progressive sentiment on the subject would not be held back by the less advanced thought of other counties.

The calling of a constitutional convention would be a great opportunity, but the reform of the jury system of the state is New Jersey's most crying need and her greatest danger. The jury system has for many years been the football of politics. The sheriff controls

absolutely the selection of grand and trial juries and it is notorious that in many counties this power has been brazenly employed to defeat justice and to maintain a corrupt machine.

At the present time the sheriff has unrestricted power to name those who are to serve on a particular grand jury, and with the knowledge that a certain case is to be taken up, a grand jury may be "packed" in anticipation of the consideration of such a case. As under the state constitution the sheriff cannot be re-elected, the voters cannot express at the polls their condemnation of this misfeasance, so during his three years he can be as arbitrary and as absolute as a Russian czar. Every other state, with the exception of one, has refused to continue this aristocratic power in a democratic community. Nominally the sheriff is an officer of the state; actually neither the governor nor any other state official has supervision or power of removal of the sheriff. It has been found necessary very recently in two counties in this state for the court, in the name of justice, to step in and take away from the sheriff the power of drawing grand jurors. A commission appointed by the legislature of 1912 to inquire into the jury system of the state has reported "It is very important that the present method (of selecting jurors) should be abolished and that a more modern and intelligent system should be adopted."

This issue of jury reform is fundamental and so long as the present intolerable condition continues, the best efforts for the improving of county or municipal government will be thwarted.

The two propositions of calling a constitutional convention and of the passage of a jury reform bill are contained in the platform of the democratic party, the dominant party in New Jersey, and both questions are before the legislature of 1913. If these two matters can be settled satisfactorily by the legislature, New Jersey will enjoy an exceptional and a splendid opportunity for progressive statesmanship in the field of county and municipal administration. In order to utilize this opportunity there should be a cooperating body of citizens in every county in the state, or else a strong state organization for the purpose of informing voters, arousing public sentiment, and of guiding and directing official action.¹

¹Since writing this paper the Legislature of 1913 has adjourned *sine die*. The Governor has announced that he would recall it in special session the first of May for the purpose of carrying out the pledges of the party platform on the subjects of jury reform and constitutional revision, on neither of which matters did the legislature take any action.—EDITOR.